

1 WILLIAM A. ISAACSON (*Pro hac vice*)  
 (wisaacson@bsflfp.com)  
 2 STACEY K. GRIGSBY (*Pro hac vice*)  
 (sgrigsby@bsflfp.com)  
 3 NICHOLAS WIDNELL (*Pro hac vice*)  
 (nwidnell@bsflfp.com)  
 4 BOIES SCHILLER FLEXNER LLP  
 1401 New York Avenue, NW  
 5 Washington, DC 20005  
 Tel: (202) 237-2727; Fax: (202) 237-6131

6 RICHARD J. POCKER #3568  
 (rpocker@bsflfp.com)  
 7 BOIES SCHILLER FLEXNER LLP  
 300 South Fourth Street, Suite 800  
 8 Las Vegas, Nevada 89101  
 Tel: (702) 382-7300; Fax: (702) 382-2755

10 DONALD J. CAMPBELL #1216  
 (djcc@campbellandwilliams.com)  
 11 J. COLBY WILLIAMS #5549  
 (jcw@campbellandwilliams.com)  
 12 CAMPBELL & WILLIAMS  
 700 South 7th Street  
 13 Las Vegas, Nevada 89101  
 Tel: (702) 382-5222; Fax: (702) 382-0540

14 *Attorneys for Defendant Zuffa, LLC, d/b/a*  
 15 *Ultimate Fighting Championship and UFC*

17 **UNITED STATES DISTRICT COURT**

18 **DISTRICT OF NEVADA**

19 Cung Le, Nathan Quarry, Jon Fitch, Brandon  
 20 Vera, Luis Javier Vazquez, and Kyle Kingsbury,  
 on behalf of themselves and all others similarly  
 situated,

21 Plaintiffs,

22 v.

23 Zuffa, LLC, d/b/a Ultimate Fighting  
 24 Championship and UFC,

25 Defendant.

No.: 2:15-cv-01045-RFB-(PAL)

**ZUFFA, LLC'S MOTION TO SEAL  
 CERTAIN EXHIBITS TO  
 PLAINTIFFS' REPLY BRIEF IN  
 SUPPORT OF MOTION TO  
 COMPEL PRODUCTION OF  
 DOCUMENTS TO THEIR  
 SUBPOENA TO THIRD PARTY  
 TOP RANK, INC., AND MOTION  
 TO COMPEL ATTENDANCE AT A  
 DEPOSITION TO ROBERT ARUM,  
 PRESIDENT OF TOP RANK, INC.  
 (ECF NO. 484)**

1 **I. INTRODUCTION**

2 Pursuant to the Stipulated Order governing the confidentiality of documents entered by the  
3 Court on February 10, 2016, ECF No. 217 (“Protective Order”) and Rule 26(c) of the Federal Rules  
4 of Civil Procedure, Defendant Zuffa, LLC (“Zuffa”) respectfully requests that the Court order the  
5 Clerk of Court to file under seal certain exhibits to Plaintiffs’ Reply Brief In Support of Plaintiffs’  
6 Motion To Compel Production Of Documents Responsive to Their Subpoena to Third Party Top  
7 Rank, Inc., and Motion to Compel Attendance at a Deposition of Robert Arum, President of Top  
8 Rank, Inc. (ECF No. 484) (“Plaintiffs’ Reply”).<sup>1</sup>

9 The Protective Order in this case provides for the filing of documents under seal where a  
10 document or portions thereof contain Confidential or Highly Confidential Information. ECF No.  
11 217, ¶ 14.3. As described fully below, Zuffa seeks to file under seal in its entirety documents  
12 produced to Plaintiffs that were properly designated as Confidential pursuant to the Protective Order.

13 **II. LEGAL STANDARD**

14 Documents filed in connection with a non-dispositive motion may be sealed if the party  
15 seeking to seal the documents makes a “particularized showing” under the “good cause” standard of  
16 Rule 26(c). *Kamakana v. City & Cty. Of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006) (citation  
17 and internal quotation marks omitted); *see also Pintos v. Pacific Creditors Ass’n*, 605 F.3d 665, 678  
18 (9th Cir. 2010). The Court has “broad latitude” under Rule 26(c) “to prevent disclosure of materials  
19 for many types of information, including, but not limited to, trade secrets or other confidential  
20 research, development, or commercial information.” *Phillips v. General Motors Corp.*, 307 F.3d  
21 1206, 1211 (9th Cir. 2002) (citations omitted).

22 As the Ninth Circuit has held, in granting protective orders preventing disclosure of certain  
23 types of information, district courts have, upon good cause shown, “[m]ost significantly . . . granted  
24 protective orders to protect confidential settlement agreements.” *Phillips ex rel. Estates of Byrd v.*  
25 *Gen. Motors Corp.*, 307 F.3d 1206, 1212 (9th Cir. 2002) (citations omitted).

26  
27 <sup>1</sup> All exhibits referenced in this Motion refer to exhibits to the Declaration of Robert C. Maysey in  
28 Support of Plaintiffs’ Motion to Compel Production of Documents Responsive to Their Subpoena to  
Third Party Top Rank, Inc., and Motion to Compel Appearance at a Deposition of Robert Arum,  
President of Top Rank, Inc. (ECF No. 484-1).

1 **III. ARGUMENT**

2 Exhibits 12, 13, 14, and 15 to Plaintiffs' Reply are documents Zuffa produced to Plaintiffs  
3 during discovery that were properly designated as Confidential. Exhibit 13 is a draft of the Mercer  
4 Study that compares athlete compensation across a variety of sports to Zuffa's fighter  
5 compensation. This document contains a confidential presentation from an outside consultant  
6 regarding the scope of a confidential analysis that was completed in anticipation of litigation,  
7 including specific areas of analyses that could be conducted and non-public information regarding  
8 the types of confidential information that Zuffa tracks, including the types of compensation Zuffa  
9 pays its athletes. Exhibits 12, 14, and 15 are email communications regarding the Mercer Study  
10 between Zuffa personnel and Zuffa's outside legal counsel. All of these documents contain  
11 sensitive Zuffa business information regarding athlete compensation, and they should be sealed in  
12 their entirety.

13 **IV. CONCLUSION**

14 Zuffa respectfully requests that the Court find that Zuffa has made the requisite particularized  
15 showing of good cause sufficient to justify sealing of the documents listed above.

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1 Dated: September 5, 2017

Respectfully Submitted,

2 BOIES SCHILLER FLEXNER LLP

3  
4 By: /s/ Stacey K. Grigsby

5 Stacey K. Grigsby

6 Attorneys for Defendant Zuffa, LLC, d/b/a  
Ultimate Fighting Championship and UFC

7 WILLIAM A. ISAACSON (*Pro hac vice*)  
(wisaacson@bsflp.com)

8 STACEY K. GRIGSBY (*Pro hac vice*)  
(sgrigsby@bsflp.com)

9 NICHOLAS A. WIDNELL (*Pro hac vice*)  
(nwidnell@bsflp.com)

10 BOIES SCHILLER FLEXNER LLP  
1401 New York Ave., NW, Washington, DC 20005  
11 Telephone: (202) 237-2727; Fax: (202) 237-6131

12 RICHARD J. POCKER #3568  
(rpocker@bsflp.com)

13 BOIES SCHILLER FLEXNER LLP  
300 South Fourth St., Ste. 800, Las Vegas, NV 89101  
14 Telephone: (702) 382 7300; Fax: (702) 382 2755

15 DONALD J. CAMPBELL #1216  
(dj@campbellandwilliams.com)

16 J. COLBY WILLIAMS #5549  
(jcw@campbellandwilliams.com)

17 CAMPBELL & WILLIAMS  
700 South 7th Street, Las Vegas, NV 89101  
18 Telephone: (702) 382-5222; Fax: (702) 382-0540

19 Attorneys for Defendant Zuffa, LLC, d/b/a  
20 Ultimate Fighting Championship and UFC

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing **Zuffa, LLC's Motion to Seal Certain Exhibits to Plaintiffs' Reply Brief In Support of Motion To Compel Production of Documents Responsive to Their Subpoena to Third Party Top Rank, Inc., and Motion to Compel Attendance at a Deposition of Robert Arum, President of Top Rank, Inc. (ECF No. 484)** was served on September 5, 2017 via the Court's CM/ECF electronic filing system addressed to all parties on the e-service list.

/s/ Roderick Crawford

**Roderick Crawford**, an Employee of Boies  
Schiller Flexner LLP